

Amendment and Response

Applicant: David J. Arcaro et al.

Serial No.: 10/616,816

Filed: July 10, 2003

Docket No.: 100111670-1

Title: THERMALLY SELF-REGULATING FUSING SYSTEM INCLUDING STATIONARY HEATING ASSEMBLY

REMARKS

The following Remarks are made in response to the Non-Final Office Action mailed December 14, 2004, in which claims 19-21 were allowed, claims 1, 2, 5, 6, 9-14, 16, and 17 were rejected, and claims 3, 4, 7, 8, 15, and 18 were objected to. With this amendment, claims 1, 10, 12, and 16 have been cancelled without prejudice, and claims 2-9, 11, 13-15, and 18 have been amended, including allowable claims 3, 7, 15, and 18 which have been rewritten in independent form. Claims 2-9, 11, 13-15, and 17-21, therefore, remain pending in the application and are presented for reconsideration and allowance.

Title

The Examiner has objected to the title of the invention as not being descriptive.

With this Amendment, Applicant has amended the title to be more descriptive.

Applicant, therefore, respectfully requests approval of the amended title.

Claim Rejections under 35 U.S.C. § 102 and 35 U.S.C. § 103

Claims 1-2, 6, 9-14, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Satou et al. JP 407044038A. Claims 9-14 and 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Natsuhara et al. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Satou et al. JP 407044038A.

With this Amendment, claims 1, 10, 12, and 16 have been cancelled without prejudice. In addition, dependent claims 2 and 4-6 have been amended to depend from allowable claim 3, dependent claim 8 has been amended to depend from allowable claim 7, and dependent claims 11, 13-14, and 17 have been amended to depend from allowable claim 15. The rejections of claims 1-2, 6, 10-14, and 16-17 under 35 U.S.C. 102(b), and claim 5 under 35 U.S.C. 103(a), therefore, are rendered moot.

With this Amendment, independent claim 9 has been amended to include the limitations of allowable claim 3 wherein "the heating assembly further comprises a flexible polyimide film circuit around the PTC ceramic."

With respect to the Satou et al. and Natsuhara et al. patents, neither of these patents, individually or in combination, teach or suggest a thermal transfer overcoat (TTO) device, as

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claimed in amended independent claim 9, wherein the heating assembly includes a flexible polyimide film circuit around the PTC ceramic.

In view of the above, Applicant submits that independent claim 9 is patentably distinct from the Satou et al. and Natsuhara et al. patents and, therefore, is in a condition for allowance. Applicant, therefore, respectfully requests that the rejection of claim 9 under 35 U.S.C. 102(b) be reconsidered and withdrawn and that claim 9 be allowed.

Allowable Subject Matter

Claims 19-21 are allowed. Applicant appreciates the indicated allowance of these claims.

Claims 3-4, 7-8, 15, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

Applicant agrees with the Examiner's conclusions regarding patentability without necessarily agreeing with or acquiescing in the Examiner's reasoning. In particular, Applicant submits that the above-identified claims are allowable because the prior art fails to teach, anticipate or render obvious the invention as claimed, independent of how the invention is paraphrased.

With this Amendment, Applicant has rewritten allowable claim 3 in independent form to include all of the limitations of the base claim (claim 1) and any intervening claims (none). In addition, Applicant has amended claims 2 and 4-6 to depend from rewritten independent claim 3. As rewritten claim 3 is now believed to be in allowable form, Applicant respectfully submits that dependent claims 2 and 4-6 are allowable in dependent form. Applicant, therefore, respectfully requests that the objection to claims 3-4 be withdrawn and that claims 2-6 be allowed.

With this Amendment, Applicant has rewritten allowable claim 7 in independent form to include all of the limitations of the base claim (claim 1) and any intervening claims (none). In addition, Applicant has amended claim 8 to depend from rewritten independent claim 7. As rewritten claim 7 is now believed to be in allowable form, Applicant respectfully submits that dependent claim 8 is allowable in dependent form. Applicant, therefore, respectfully requests that the objection to claims 7-8 be withdrawn and that claims 7-8 be allowed.

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With this Amendment, Applicant has rewritten allowable claim 15 in independent form to include all of the limitations of the base claim (claim 10) and any intervening claims (claim 12). In addition, Applicant has amended claims 11, 13-14, and 17 to depend from rewritten independent claim 15. As rewritten claim 15 is now believed to be in allowable form, Applicant respectfully submits that dependent claims 11, 13-14, and 17 are allowable in dependent form. Applicant, therefore, respectfully requests that the objection to claim 15 be withdrawn and that claims 11, 13-15, and 17 be allowed.

With this Amendment, Applicant has rewritten allowable claim 18 in independent form to include all of the limitations of the base claim (claim 10) and any intervening claims (claim 14). Applicant, therefore, respectfully requests that the objection to claim 18 be withdrawn and that claim 18 be allowed.

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CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 2-9, 11, 13-15, and 17-21 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Amendment and Response should be directed to either Robert D. Wasson at Telephone No. (360) 212-2338, Facsimile No. (360) 212-3060 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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Mar. 3, 2005

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 872-9306 on this 3rd day of March, 2005.

By

Name: Scott A. Lund